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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,357	11/30/2001	Rintaro Nakatani	S004-4473	5526

7590 12/20/2005

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EXAMINER	
LUU, MATTHEW	
ART UNIT	**PAPER NUMBER**
3663	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/998,357	NAKATANI, RINTARO	
	Examiner	Art Unit	
	LUU MATTHEW	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 17-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 17-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 November 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 8-12 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) (Figs. 5A, 5B, 6A, 6B, and 6C) in view of Kahn (5,581,678).

Regarding claim 1, the admitted prior art (APA) (Fig. 5A) discloses a graphical display adjusting system comprising:

means for selecting one graph out of a plurality of graphs (graph TG and graph DTA) which are displayed on a screen by specifying a display area of an index area on a screen by pointing device corresponding to the selected graph (in Fig. 5A, the graph DTA being selected); and means for scrolling a graph of the type of data by another operation of the pointing device with the index area being specified (Fig. 5A, graph DTA being scrolled upward by another "dragging" operation of the pointing device). See the specification, page 2, last paragraph; and page 3, lines 1-5.

Furthermore, Fig. 6C shows that the user can select one type of a plurality of graphs by specifying a display area of either the scroll bars (S) or the scale bars (P).

The only difference between the claimed invention and the APA is that the claim requires "an axis", instead of the index display area as disclosed in Figs. 5A and 5B.

However, as defined in Webster's New World Dictionary, 3rd College Edition, "an axis" is a real or imaginary straight line on which an object rotates or is regarded as rotating or a straight line for measurement or reference, as in a graph. Thus, it would have been obvious to a person of ordinary skill in the art to realize that Figs. 5A of the APA clearly shows a scroll bar area as an axis with index numbers 100, 150, and 200 for measurement or references, as in a graph. Thus, the scroll bar with the index area as shown in Fig. 5A can be considered as the display area of an axis of a graph.

Furthermore, the APA (Fig. 6C) discloses that the type of data can be selected by moving the cursor to either the scroll bar (S) or the scale bar (P) for selecting a corresponding data type, and scrolling or scaling can be performed by the mouse click-and-drag operation (see specification, page 2). Thus, the scroll bars (S) and the scale bars (P) can also be considered as the axes of the graphs (TG and DTA).

On the other hand, Kahn (5,581,678) discloses (Fig. 5A) the displaying of selected graph (505), wherein the display area of an axis corresponding to the selected graph is not a scroll bar or a scaling bar. Furthermore, Kahn discloses (Fig. 5A) the displaying of selected graph (505) comprises a coordinate axis (starring at the 0 coordinate) of the selected graph.

Therefore, it would have been obvious to the person of ordinary skill in the art to use the axes of the graph that has markings and labels, as taught by Kahn, into the graphs displaying system of the admitted prior art (APA) to allow a user to easily read and analyze the data on the graphs.

Regarding claim 2, note the rejection as set forth above with respect to claim 1 above. The only difference between claim 1 and claim 2 is that claim 2 requires "a scaling operation", instead of a scrolling operation. However, Fig. 5B of the APA discloses the "scaling operation".

Regarding claim 3, note the rejection as set forth above with respect to claims 1 and 2. The APA clearly shows (Figs. 5A and 5B) both of the "scrolling operation" and the "scaling operation". See specification, page 3, lines 1-13.

Regarding claims 4 and 5, the APA discloses (Fig. 5A) the scrolling of the selected graph (in Fig. 5A, the graph DTA being selected) is performed by dragging on the axis display area (the index area).

Furthermore, the APA (Fig. 6C) discloses that the type of data can be selected by moving the cursor to either the scroll bar (S) or the scale bar (P) for selecting a corresponding data type, and scrolling or scaling can be performed by the mouse click-and-drag operation (see specification, page 2). Thus, the scroll bars (S) and the scale bars (P) can also be considered as the axes of the graphs (TG and DTA).

Regarding claims 8 and 9, the only difference between the claimed invention and the APA is that the claim requires moving the mouse closer to the axis for selecting the type of data. However, the APA shows (Fig. 6A) that the type of graph being selected is

to move the mouse closer to the desired graph for performing graph selecting function. It would have been obvious to the person of ordinary skill in the art to recognize that it is an obvious variation as to whether move a cursor closer to the graph or to the axis for performing graph selecting function, since either way would provide the same function for selecting a graph. Furthermore, clicking a mouse button for selecting a displayed image on a display screen is conventional in the art.

Furthermore, the APA (Fig. 6C) discloses that the type of graph can be selected by moving the cursor to either the scroll bar (S) or the scale bar (P) for selecting a corresponding graph type, and scrolling or scaling can be performed by the mouse click-and-drag operation (see specification, page 2). Thus, the scroll bars (S) and the scale bars (P) can also be considered as the axes of the graphs (TG and DTA).

Regarding claims 10 and 11, note the rejection as set forth above with respect to claims 8 and 9.

Regarding claim 12, note the rejection as set forth above with respect to claim 1. Furthermore, as to the means for temporarily eliminating a graph of an unnecessary type of data from the screen, by looking at Fig. 5A of the APA, the person of ordinary skill in the art would recognize that the graph (DTA) can be eliminated by clicking on one of the scroll bars and keep scrolling the DTA graph upward by keep dragging the mouse on the index area. And if the user feels that the TG graph is an unnecessary

type of data, he/she can do the same thing by clicking and dragging to eliminate the TG graph as he/she does for the DTA graph.

The APA (Fig. 5A) further discloses wherein the axis corresponding to the selected graph (graph DTA) has markings (100, 150, 200) denoting different values of the selected graph along the axis. Furthermore, the marking of the values on the X and Y-axes are well known in the art.

Regarding claims 17-20, the only difference between the disclosure of the admitted prior art (APA) (Figs. 5A, 5B, 6A, 6B, and 6C) and the claimed invention is that the claims require the negative limitations of "wherein the display area of an axis corresponding to the selected graph is not a scroll bar or a scaling bar. However, it would have been obvious to a person of ordinary skill in the art to realize that Figs. 5A of the APA clearly shows a bar area as an axis with index numbers 100, 150, and 200 for measurement or references, as in a graph. Furthermore, the Applicant should note that negative limitations tend to define the invention in terms of what it is not, rather than pointing out what the invention is.

On the other hand, Kahn discloses (Fig. 5A) the displaying of selected graph (505), wherein the display area of an axis corresponding to the selected graph is not a scroll bar or a scaling bar. It would have been obvious to the person of ordinary skill in the art to use the axes of the graph that has markings and labels, as taught by Kahn, into the graphs displaying system of the admitted prior art (APA) to allow a user to easily read and analyze the data on the graphs.

Furthermore, Kahn discloses (Fig. 5A) the displaying of selected graph (505) comprises a coordinate axis (starring at the 0 coordinate) of the selected graph.

Claim Rejections - 35 USC § 103

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) (Figs. 5A, 5B, 6A, 6B, and 6C) in view of Kahn as applied to claims 1-2 above, and further in view of Watanabe et al (6,411,274).

Regarding claims 6-7, the only difference between the APA and the claimed invention is that the claims require enlarging an image by rotating a wheel.

However, Watanabe et al discloses (Figs. 5 and 6) enlarging an image by rotating a wheel. See column 6, lines 4-11. It would have been obvious to the person of ordinary skill in the art to use the mouse with rotating wheel for enlarging/reducing an image on a display screen, as taught by Watanabe et al, to provide a more convenient and faster way to enlarge/reduce an image without performing the trouble some of dragging the mouse back and forth on the mouse pad.

Response to Arguments

Applicant's arguments filed November 21, 2005 have been fully considered but they are not persuasive.

The Rejection Under 35 U.S.C. 103

The Applicant argues, on page 10, by asserting that the admitted prior art (APA) (Figs. 5-6) "does not disclose means for selecting one graph from a plurality of graphs displayed on a screen by specifying an axis corresponding to the selected graph by a pointing device". The examiner respectfully disagrees.

The admitted prior art (APA) (Fig. 5A) discloses means for selecting one graph out of a plurality of graphs (graph TG and graph DTA) which are displayed on a screen by specifying a display area of an index area on a screen by pointing device corresponding to the selected graph (in Fig. 5A, the graph DTA being selected); and means for scrolling a graph of the type of data by another operation of the pointing device with the index area being specified (Fig. 5A, graph DTA being scrolled upward by another "dragging" operation of the pointing device). See the specification, page 2, last paragraph to page 3, and lines 1-5

> "In order to eliminate this troublesome operation, a function capable of changing a scale for each **axis** with a simple operation, there has been proposed recently one in which a scroll bar S corresponding to each data type and a scaling bar P as shown in FIG. 6C are displayed, and scrolling and a width change of the scale can be performed by dragging and moving the index by a mouse or the like. That is to say, when the index of the scroll bar S corresponding to the data type to be adjusted is dragged and moved upwards, only a graph of the corresponding data is moved upwards in a parallel direction, as shown in FIG. 5A."

Furthermore, the APA (Fig. 6C) discloses that the type of graph can be selected by moving the cursor to either the scroll bar (S) or the scale bar (P) for selecting a corresponding graph type, and scrolling or scaling can be performed by the mouse click-and-drag operation (see specification, page 2). Thus, the scroll bars (S) and the scale bars (P) can also be considered as the axes of the graphs (TG and DTA). Furthermore, as defined in Webster's New World Dictionary, 3rd College Edition, "an axis" is a real or imaginary straight line on which an object rotates or is regarded as rotating or a straight line for measurement or reference, as in a graph. Thus, it would have been obvious to a person of ordinary skill in the art to realize that Figs. 5A of the APA clearly shows a scroll bar area as an axis with index numbers 100, 150, and 200 for measurement or references, as in a graph. Thus, the scroll bar with the index area as shown in Fig. 5A can be considered as the display area of an axis of a graph. Furthermore, the APA (Fig. 6C) discloses that the type of data can be selected by moving the cursor to either the scroll bar (S) or the scale bar (P) for selecting a corresponding data type, and scrolling or scaling can be performed by the mouse click-and-drag operation (see specification, page 2). Thus, the scroll bars (S) and the scale bars (P) can also be considered as the axes of the graphs (TG and DTA).

The Applicant argues, on page 11, by asserting that "The secondary references to Kahn and Watanabe do not cure the deficiencies of the APA". The examiner respectfully disagrees.

Kahn (5,581,678) discloses (Fig. 5A) the displaying of selected graph (505), wherein the display area of an axis corresponding to the selected graph is not a scroll bar or a scaling bar. Furthermore, Kahn discloses (Fig. 5A) the displaying of selected graph (505) comprises a coordinate axis (starring at the 0 coordinate) of the selected graph.

In response to applicant's argument that "The secondary references to Kahn and Watanabe do not cure the deficiencies of the APA", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Regarding claims 17-20, the only difference between the disclosure of the admitted prior art (APA) (Figs. 5A, 5B, 6A, 6B, and 6C) and the claimed invention is that the claims require the negative limitations of "wherein the display area of an axis corresponding to the selected graph is not a scroll bar or a scaling bar. However, it would have been obvious to a person of ordinary skill in the art to realize that Figs. 5A of the APA clearly shows a bar area as an axis with index numbers 100, 150, and 200 for measurement or references, as in a graph. Furthermore, the Applicant should note that negative limitations tend to define the invention in terms of what it is not, rather than pointing out what the invention is.

On the other hand, Kahn discloses (Fig. 5A) the displaying of selected graph (505), wherein the display area of an axis corresponding to the selected graph is not a scroll bar or a scaling bar. It would have been obvious to the person of ordinary skill in the art to use the axes of the graph that has markings and labels, as taught by Kahn, into the graphs displaying system of the admitted prior art (APA) to allow a user to easily read and analyze the data on the graphs.

Furthermore, Kahn discloses (Fig. 5A) the displaying of selected graph (505) comprises a coordinate axis (starring at the 0 coordinate) of the selected graph.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-All of these references, Jou et al (US 2003/0071814), Trsar et al (5,680,311), Easton et al (5,371,842) and Rosenberg et al (6,697,086) disclose a plurality of graphs with a plurality of different axes.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

MATTHEW LUU
PRIMARY EXAMINER